

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 1:25-cv-22487-GAYLES**

**JOSE GUERRA-CASTRO,**

**Petitioner,**

**v.**

**CHARLES PARRA, Assistant Field Office  
Director, GARRETT RIPA, Field Office  
Director, Miami Field Office; TODD LYONS,  
Acting Director, Immigration and Customs  
Enforcement; KRISTI NOEM, U.S. Secretary  
of Homeland Security,**

**Respondents.**

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**ORDER STAYING REMOVAL**

**THIS CAUSE** is before the Court on Petitioner Jose Guerra-Castro's Amended Petition for Writ of Habeas Corpus and Request for Emergency Injunctive Relief (the "Petition") [ECF No. 3]. In 2014, an Immigration Judge ordered Petitioner's removal to Cuba. Thereafter, the Petitioner was released from immigration custody on an Order of Supervision ("OSUP"). In the instant Petition, the Petitioner asserts that Respondent U.S. Immigration and Customs Enforcement ("ICE") detained Petitioner again on May 29, 2025, while Petitioner was conducting his annual reporting to the Enforcement and Removal office pursuant to his OSUP. According to Respondent, Petitioner's OSUP was revoked and he was taken into ICE custody to effectuate his removal to Cuba. [ECF No. 17].


Petitioner alleges that the revocation of his OSUP violated, *inter alia*, ICE's regulations regarding the revocation of OSUPs, the Immigration and Nationality Act, and the Fifth Amendment to the U.S. Constitution. In addition, Petitioner asserts that he is a member of the

certified class in *D.V.D. v. U.S. Department of Homeland Security*, 2025 WL 1142968 (D. Mass. April 18, 2025), which enjoins the government from removing aliens to a third country without due process. In this case, Petitioner seeks his immediate removal and to enjoin Respondents from transferring him out of the Southern District of Florida and removing him from the United States until the Court adjudicates his Petition.

Given the complex legal questions raised in the Petition, and Petitioner's potential imminent removal, the Court finds that a short stay of removal is warranted pending the Court's ruling on Petitioner's Motion for Preliminary Injunction. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Petitioner's Removal from the United States shall be **STAYED** through July 3, 2025, to give the Court time to issue an Order on the Motion for Preliminary Injunction.
2. If the Petitioner is removed from the Southern District of Florida before the Court rules on the Motion, Respondents shall notify the Court and counsel of record of Petitioner's specific location and shall provide Petitioner with reasonable access to his attorneys.
3. Respondents and all their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are immediately **ENJOINED** from deporting or removing Petitioner from the United States until the Court issues a ruling on the Motion.
4. Petitioner shall not be required to post a bond.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 13th day of June, 2025.

  
DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE